

LABOR SERVICES DIVISION[875]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 89A.3, the Elevator Safety Board hereby gives Notice of Intended Action to amend Chapter 71, “Administration of the Conveyance Safety Program,” Iowa Administrative Code.

These amendments remove obsolete language regarding construction personnel hoists and rescind a rule pertaining to the modernization of certain elevators. The modernization rule requires that if a project would replace more than 50 percent of an elevator, the entire elevator must be brought into compliance with current codes. The fee for alteration permits is now tied to the 50-percent rule. The changes rescind the 50-percent rule, substitute a flat fee for alteration permits, and make conforming amendments.

The purposes of these amendments are to protect the health and safety of the public and implement legislative intent.

If requested in accordance with Iowa Code section 17A.4(1)“b” by the close of business on March 6, 2013, a public hearing will be held on March 7, 2013, at 10 a.m. in the Capitol View Room at 1000 East Grand Avenue, Des Moines, Iowa. Interested persons will be given the opportunity to make oral statements and file documents concerning the proposed amendments. The facility for the oral presentations is accessible to and functional for persons with physical disabilities. Persons who have special requirements should call (515)281-5915 in advance to arrange access or other needed services.

Written data, views, or arguments to be considered in adoption shall be submitted by interested persons no later than March 7, 2013, to Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209. Comments may be sent electronically to kathleen.uehling@iwd.iowa.gov.

No variance procedures are included in this rule. Applicable variance procedures are set forth in 875—Chapter 66.

After analysis and review of this rule making, these amendments could have a positive impact on jobs. This rule making is a common-sense approach that promotes safety and removes unnecessary, burdensome regulation on small businesses. Small businesses and building owners who want to update their elevators now have an incentive to update and modernize their elevators to the greatest potential without being subject to overregulation. The current rule creates a disincentive for businesses to update their elevators more than 50 percent. Now building owners can update their elevators as much as they want, which will be both an incentive to Iowa businesses and a safety benefit to Iowans.

These amendments are intended to implement Iowa Code chapter 89A.

The following amendments are proposed.

ITEM 1. Rescind the definition of “Major alteration” in rule **875—71.1(89A)**.

ITEM 2. Amend subrule 71.7(5) as follows:

71.7(5) An operating permit is automatically suspended when ~~construction is initiated to alter less than or equal to 50 percent of an elevator as calculated pursuant to rule 875—71.9(89A)~~ an alteration begins. The operating permit automatically resumes when the elevator passes an inspection pursuant to rule 875—71.11(89A).

ITEM 3. Rescind subrule **71.7(6)**.

ITEM 4. Renumber subrules **71.7(7)** and **71.7(8)** as **71.7(6)** and **71.7(7)**.

ITEM 5. Amend subrule 71.9(5) as follows:

71.9(5) If a complete installation permit application was submitted for a CPH pursuant to subrule 71.5(3), at least seven days' advance notice of each CPH jump shall be provided to the labor commissioner. ~~For a CPH installed without an installation permit prior to July 1, 2008, a completed alteration permit application shall be submitted to the labor commissioner at least seven days before each CPH jump.~~

ITEM 6. Rescind rule 875—71.10(89A) and adopt the following **new** rule in lieu thereof:

875—71.10(89A) Alterations.

71.10(1) Alterations or changes shall comply with rule 875—72.13(89A) or rule 875—73.8(89A), as applicable.

71.10(2) A conveyance that is relocated shall be brought into compliance with all codes that are applicable at the time of relocation.

71.10(3) With the exception of replacing brushes on or adding brushes to escalators, all alterations of conveyances other than elevators shall require that the entire conveyance be brought into compliance with the current code.

ITEM 7. Amend subrule 71.11(1) as follows:

71.11(1) Scope of inspections.

a. Comprehensive. Periodic inspections shall be comprehensive. ~~Conveyances subjected to major alterations, elevators~~ Elevators being transferred from construction permits to operating permits, previously dormant conveyances being returned to service, relocated conveyances, and new conveyances shall be inspected in their entirety prior to operation.

b. Limited. The scope of an inspection after an alteration ~~other than a major alteration~~ shall be determined by rule 875—72.13(89A) or 875—73.8(89A), as applicable. However, if the inspector notices a safety hazard in plain view outside the altered components, or if the periodic inspection is due, the entire conveyance shall be inspected.

ITEM 8. Rescind subrule 71.16(4) and adopt the following **new** subrule in lieu thereof:

71.16(4) Alteration permits.

a. The fee for an elevator alteration permit shall be \$500 and shall cover the initial print review, alteration permit, and initial inspection.

b. The fee for each CPH extension shall be \$150. The total fee required for all planned CPH extensions shall be submitted with the installation permit application pursuant to subrule 71.5(3).

c. For all conveyances other than elevators, the fees for new installations shall apply to alterations.